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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,234

11/14/2005

Itzhak Gvishi

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9064

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01/09/2008

NIXON & VANDERHYE, PC

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ARLINGTON, VA 22203

EXAMINER

MENDIRATTA, VISHU K

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,234

Applicant(s)

GVISHI, ITZHAK

Examiner

Vishu K. Mendiratta

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 27-31 rejected under 35 U.S.C. 102(b) as being anticipated by Navin (5513849).

Navin teaches a cross-shaped board having a center of at least 6x6 cells, four arms each comprising at least 3x6 cells, at least 108 cells total, four sets of pieces each set having a first subset of at least six pieces (king, queen, bishop, rook, 2 rooks) and a second subset of at least six pieces (pawns), game pieces being in four different colors (3:17-26). Navin teaches game pieces in different shapes that can be used to define the motion of game pieces.

Applicant may note that applicant's claims ***continue to be open-ended as clearly presented with "comprising" phrase in preamble*** and references used to reject claims can have more limitations than presented in applicant's claims. For example: 6x6 can be 8x8 and 3x6 can be 3x8.

Applicant may also note that rules/method steps/intended use for playing a do not further limit the apparatus in the claim. For example: claims 28-29 limitations are rules for playing that do not further limit the apparatus in the claims and only indicate how to use the apparatus.

2. Claims 27-31 rejected under 35 U.S.C. 102(a) as being anticipated by Taurus Games.

Taurus games teaches a chess game having 108 cells, 6x6 center, 4 sides having 3x6 cells, four sets of colored game pieces, each set having a first subset of 6 pieces, 2 alike and three different pieces, and a second set of 6 alike pieces.

3. Claims 32-35, 38, 39, 41-42 rejected under 35 U.S.C. 102(b) as being anticipated by Navin (5513849).

Navin teaches a cross-shaped board having a center of at least 6x6 cells, four arms each comprising at least 3x6 cells, at least 108 cells total, four sets of pieces each set having a first subset of at least six pieces (king, queen, bishop, rook, 2 rooks) and a second subset of at least six pieces (pawns), game pieces being in four different colors (3:17-26). Navin teaches game pieces in different shapes that can be used to define the motion of game pieces.

Applicant may note that applicant's claims ***continue to be open-ended as clearly presented with "comprising" phrase in preamble*** and references used to reject claims can have more limitations than presented in applicant's claims. For example: 6x6 can be 8x8 and 3x6 can be 3x8.

Further Navin clearly teaches a method of playing a game comprising arranging game pieces of individual players in the extended outside sections of the board with major pieces in the outermost row and pawns in the adjacent rows (Navin claim 1) and capturing game pieces. It is inherent in any chess game to remove all pieces from the game board after a king is checkmated. Navin clearly further teaches claim 35 of promoting pawns as they reach the outer rows of the extended portions/arms in the course of capturing other pieces (3:35-46). Further game pieces are inherently made from wood, plastic or cardboard material and also well known in game industry.

Claim Rejections - 35 USC § 103

4. Claims 27-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (D85960) in view of Navin.

Smith teaches a chess game having 108 cells, 6x6 center, 4 sides having 3x6 cells.

Smith does not teach game pieces.

Navin teaches (3:17-26) four sets of colored game pieces, each set having a first subset of 6 pieces, 2 alike and three different pieces, and a second set of 6 alike pieces.

Navin and Smith are both 4 player, 4-way chess boards. It is well known in the chess art to play with four sets of game pieces. In order to play a 4 player chess game it would have been obvious to provide four sets of game pieces. One of ordinary skill in art at the time the game was invented would have suggested providing game pieces for four players to play the game.

5. Claims 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Navin.

Navin teaches all limitations except that it does not teach a player playing with two sets of game pieces. In the art area of game board the concept of dummy players is well known. In the absence of less than required number of players, it has been commonly seen for a player to play for another hand. One of ordinary skill in art at the time the invention was made would have suggested a player playing for another hand also for another player.

6. Claims 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Navin.

Navin teaches all limitations except that it does not teach a player using computer format of games. In this day and age, it is a common practice to use computer means

for playing board games. One of ordinary skill in art at the time the invention was made would have suggested providing computer means for playing the game to appeal to potential players.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cross chess first published in 1985 teaches similar configuration and rules for playing a cross chess. D55544 teaches a chess with 108 cells

Response to Arguments

8. Applicant's arguments filed 10/15/07 have been fully considered but they are not persuasive. Applicant's claims continue to be open ended claims and cited references are allowed to have more limitations than as claimed by applicant. Navin clearly teaches a game board and game pieces that clearly contain all limitations in applicant's claims.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number:
10/532,234
Art Unit: 3711

Page 6

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
December 27, 2007